Appl. No. 10/533,861                                                       PATENT
Response B dated March 4, 2009                          Docket No. 28944/40152
Reply to O.A. of January 22, 2009

## REMARKS

Reconsideration of this application is requested in view of the following remarks.

The status of the claims is as follows:

Claims 1-16 are pending and have been finally rejected.

The examiner is thanked for the courtesy extended to the undersigned during a telephone interview conducted on March 3, 2009. During that interview, there were no agreements reached although it is the applicants' understanding that the following arguments that set out the arguments made during the interview likely will result in the withdrawal of the present rejection.

The examiner has rejected claims 1-4, 8-11, 15-16 under 35 U.S.C. §103(a) as obvious over Bauder et al. (US7203247), hereafter "Bauder," in view of Schrader et al. (US7016431), hereafter "Schrader," and in view of McFarland et al. (US2002/0186796), hereafter "McFarland." This rejection is traversed.

As noted during the interview, claim 1 specifies that the same data can perform two functions. In other words, the data will do "double duty." The first function is a linearization training sequence, and the second function allows the adjustment of at least one parameter of the radiofrequency receiver. The symbols or data is transmitted from the first equipment to the second equipment. The language of claim 1 direct to this is "the linearization training sequence is included in a sequence of symbols that is also further designed to allow the adjusting of at least one parameter of a radiofrequency receiver of a second equipment of the radiocommunication system with which said first item of equipment communicates."

In order to have a proper prima facie rejection under 35 U.S.C. §103(a), the combined documents must show all the elements of the rejected claims, either specifically or inherently. In the present rejection, the combined disclosure of Bauder, Schrader and McFarland fail to disclose the above quoted aspects of claim 1. The examiner recognizes in the office action that Bauder does not disclose this feature, and goes on to state "the transmission of a sequence of symbols designed to allow the dynamic control of the gain of a variable-gain amplifier of a 'second equipment' or receiver is well known in the art." (Office action, page 4) The examiner then notes that McFarland discloses training symbols to adjust the gain of a gain control amplifier.

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From this the examiner then improperly concludes that Bauder's sequence could contain both a linearization sequence as well as an automatic gain sequence because gain control is advantageous as is well known in the art. The examiner also indicates that it would have been obvious to one of ordinary skill that the sequence of Bauder could also have contained both a linearization sequence as well as an automatic gain sequence.

The examiner conclusion is improper for the following reasons. First, the training sequence in Bauder is entirely internal to the unit and not transmitted as the examiner states. See Column 5, lines 16-21 where it is clear that the antenna 267 is disconnected during the training mode. The training sequences are only sent during the training mode and it is clear from the disclosure of Bauder that these training sequences are never sent outside the unit of Bauder. Even assuming that the training sequences of Bauder were sent, there is no hint of using a single transmission of data to control two items in the receive unit from that single transmission of data. In one embodiment, the claimed invention uses all or a subset of the AGC data that is received by the receiving unit also to train the linearization of the RF amplifier. It is the piggy-backing or dual use of the data that is both claimed in claim 1 and not disclosed by the combined reading of Bauder, Schrader and/or McFarland. A person of ordinary skill at the time the invention was made would not have understood that the AGC data used in McFarland could also train the linearization of the RF amplifier in McFarland. Bauder's disclosure of training would be understood as being internal and using specifically targeted data, for instance the data in Table 1 of Bauder, to do the training but would not understand using that same data to perform a second function.

With regard to the claims dependant on Claim 1, because the combination of the three cited documents does not provide sufficient information to one of ordinary skill to synthesize the invention as claimed in claim 1 upon which these claims are dependant, it follows that the added features in combination with claim 1 are also patentable.

For at least the reasons set out above, the rejection of claims 1-4, 8-11, 15-16 under 35 U.S.C. §103(a) should be withdrawn.

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The examiner has also rejected claims 5, 6, 12, and 13 under 35 U.S.C. §103(a) based on Bauder, Schrader and McFarland as discussed above further in view of Khayrallah et al. (US6320919), hereafter "Khayrallah." This rejection is traversed.

While Khayrallah does describe training sequences at the beginning of a frame, Khayrallah does not remove the deficiencies of the disclosure of Bauder, Schrader and McFarland. There is no disclosure in Khayrallah of using the dame data to perform multiple functions. Therefore the rejection of these claims is unwarranted and should be withdrawn.

### Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees, which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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